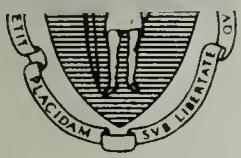


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Commonwealth of Massachusetts
Division of Registration

Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

617 / 727-3074

WILLIAM F. WELD
GOVERNOR

PRISCILLA H. DOUGLAS
SECRETARY

WILLIAM G. WOOD
DIRECTOR

FAX: 617 / 727-2197

Memorandum

To: Boards of Registration, Division Employees, Professional Associations
From: William G. Wood, Director
Date: November 16, 1994
Re: Proposed Division of Registration Reorganization Plan

I've enclosed for your review and comment a proposal to reorganize the Division of Registration to enhance our ability to protect the public health and safety and serve our customers more effectively. Secretary Priscilla Douglas supports this review.

As you can see from the enclosed proposed new Division organizational chart, we plan to group most boards into similar professions and hire or promote full-time executive directors to manage each area. These full-time professionals will not be responsible for performing clerical duties. Rather, they will be responsible for managing the board's regulatory responsibilities, taking ownership of case resolution as consumer complaints work through the enforcement system, directing clerical staff and providing for the board's administrative needs. This proposed reorganization plan is the result of my many discussions with you about your goals since I became Director.

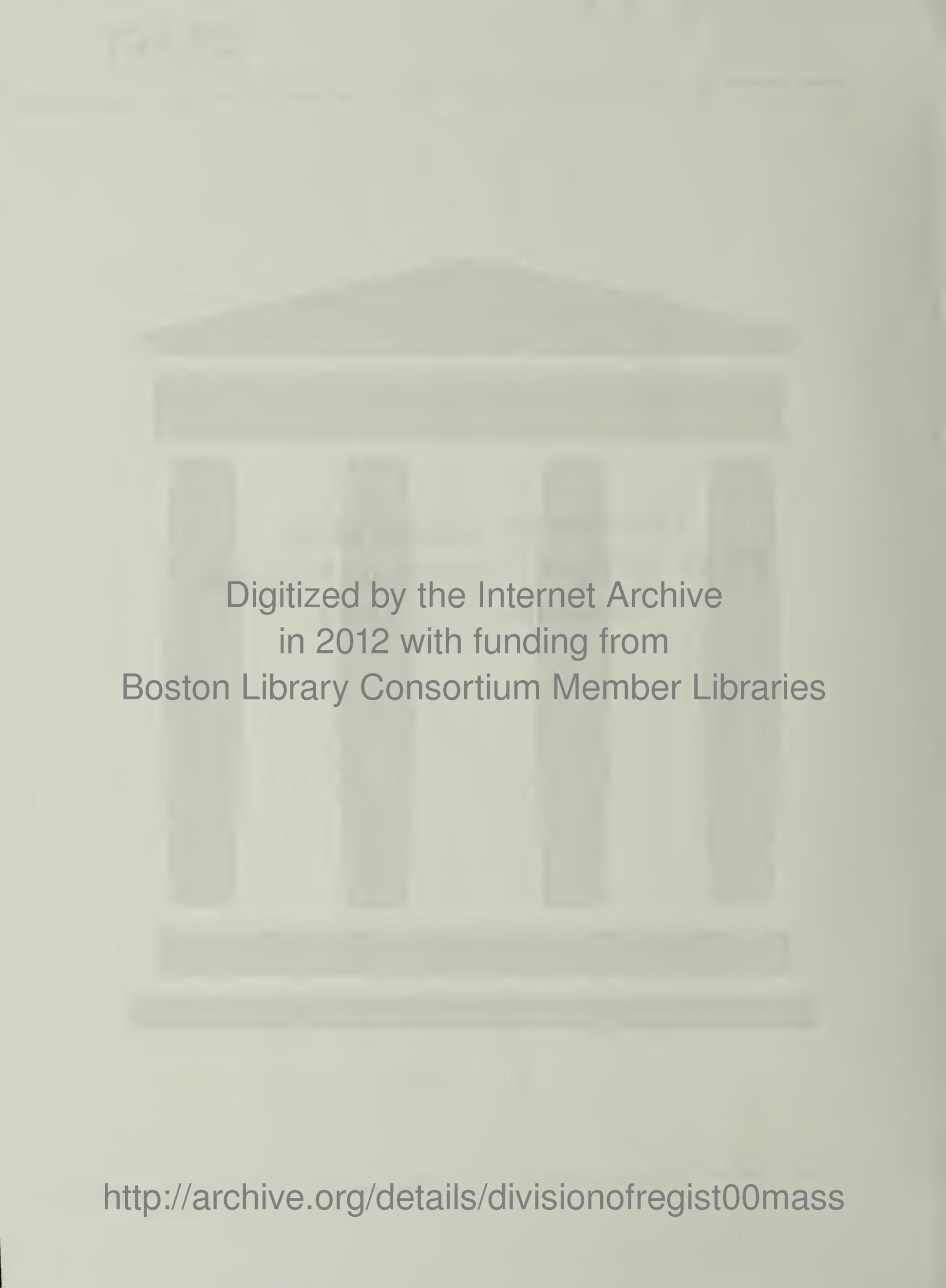
We are also proposing reorganize our enforcement unit into functional areas, and to create a Hearings Office which would hear complaints in an adjudicatory setting and forward recommended decisions to the boards for review and adoption. This proposed structure will assist the boards in reducing complaint backlogs and decide cases in a speedier manner.

I look forward to hearing your comments on these proposals.

GOVERNMENT DOCUMENTS
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DRAFT

**Division of Registration
FY96 Budget Expansion Request
November 15, 1994**



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Summary

The Division of Registration is requesting \$1,652,253 in additional expansion money for FY96 (spending summary attached). Of this total, \$340,000 is a one-time request to accommodate anticipated space acquisition, construction, moving, and equipment costs for new employees. Thus, our total annualized additional expansion request for FY97 would be \$1,312,253. This represents an annual budget of approximately \$6,012,253, or \$11 per licensee. In comparison, in FY92 Vermont spent \$40 per licensee, Maine \$15 per licensee, Connecticut \$73 per licensee, and New York \$53 per licensee.

Introduction

Since FY88 the number of licensees regulated by the boards of registration within the Division has increased by 5 percent, from 495,000 to 520,000, while the number of employees (including contract) have been cut from 126 to 118. Board licensing fees, most of which were cut in half for FY95, will generate over \$10 million in general fund revenues, with the FY95 Division budget set at \$4.7 million.

While we have been able to cope administratively by further privatizing our revenue collection, license processing and test administration services, our inadequate board and enforcement staffing clearly poses a major threat to the public health and safety at a time when Governor Weld has made effective law enforcement a priority of his administration. Board licensees have millions of daily interactions with consumers, sometimes with grim consequences. We now face an increasing structural complaint backlog, receiving more consumer complaints each year than we have resources to resolve. Our current structural backlog is 1,075 cases. We estimated this backlog by subtracting the expected number of cases we will resolve this year (1,920) from the number of cases currently pending action (2,995). Further, we estimate that close to 1,400 of those cases pending action are very serious in nature, due to either age of complaint (over two years old), nature of complaint (sexual misconduct, insurance fraud, negligence) or multiple complaints against a licensee.

We have also seen a dramatic increase in the number of serious complaints and the vigor with which they are defended. For example, an increase in the number of dentists and multi-dentist practices coupled with a reduced amount of tooth decay (meaning less work for dentists) have resulted in an increase in dental health care fraud and performance of unnecessary dental work. As a result, in the past five years the Dental Board has experienced a 31 percent surge in consumer complaints. Further, the increased delegation of health care duties to nurses has resulted in a five-year complaint increase of 19 percent, many involving serious drug abuse, drug diversion and patient abuse charges.

It has also become common for licensees facing the loss of their license to hire specialized expert legal counsel. Dr. Paul Jondle, a chiropractor facing charges of gross overutilization of practice and insurance fraud, hired a Virginia attorney with a national reputation for defending chiropractors. And a dentist facing malpractice, gross misconduct and improper billing charges hired a former Assistant Attorney General who wrote the state administrative procedures manual (which govern board hearings) and who served on

the Board of Medicine Blue Ribbon Commission.

As a result, we currently face a two-year prosecutorial case backlog of over 140 consumer complaints. Many of these cases involve sexual misconduct, patient abuse and consumer and insurance fraud. In order to protect the public we must improve the speed and effectiveness of our enforcement process by pursuing a comprehensive and balanced increase of resources at all levels. Following is a description of our major expansion needs within the Division of Registration.

A. Director's Office

Total Request: \$173,000

1. Create a separate General Counsel position (currently part of Deputy Director for Enforcement responsibility).

Rationale: Deputy Director for Enforcement oversight responsibilities will increase by adding proposed Prosecutions and Hearings Units (see below). Additional professional management of boards of registration, (also see below) coupled with new federal and state mandates (ADA, NAFTA, Child Support Enforcement and College Loan Default laws, for example) will generate additional responsibilities for the General Counsel.

Cost: \$54,000

2. Create Deputy Director for Licensing position (see attached current and proposed organizational charts).

Rationale: The Deputy Director for Administration currently oversees both Division-wide and board administration. As we provide additional professional management to the boards, and as we add additional technology (local and wide area networks, document imaging) and services (one-stop-shopping, centralized revenue collection), the need to separate board administration from Division-wide administration functions increases. Accordingly, we are proposing to create a Deputy Director for Licensing position to directly oversee the 32 boards of registration.

Cost: \$54,000

3. Hire an Administrative Assistant in the Director's Office.

Rationale: Currently the agency employs one Executive Assistant for three directors (Division Director and two Deputies). With the proposed new structure we will have four directors and a general counsel, hence the need for additional staff support.

Cost: \$27,000

4. Hire Coordinator of Education and Training.

Rationale: This person would oversee or conduct all education and training programs for our 118 employees and 230 board members, including computer training, new employee and board member orientation, customer focus and process improvement projects, telephone etiquette, etc.

Cost: \$38,000

B. Enforcement

Total Request: \$495,053

1. Create a separate Hearings Office, hire two additional Hearings Officers and provide hearing transcription services.

Rationale: This request will enable us to reduce from two years to six months the time it takes to adjudicate a consumer complaint. The bottleneck in the adjudicatory process results from too heavy a reliance on volunteer board members who typically can only meet once or twice a month and from overburdened board counsels who must provide legal services to eleven boards each.

Cost: \$130,000 (Two Counsel II @ \$50,000, plus \$30,000 for transcription services)

2. Establish the Prosecution Unit as a separate entity.

Rationale: Legally, the so-called "Chinese Wall" which separates the prosecutorial and adjudicatory functions has come under increasing scrutiny. In recent cases challenging licensing boards in Pennsylvania and Virginia, the courts have strongly asserted the need for such a separation and mandated those states to institute change. Most state agencies which perform the types of administrative hearings we do, such as the Board of Medicine and the Department of Environmental Protection, have taken steps to "fortify" the wall by establishing enforcement units separate from the board counsels and the hearings officers.

Cost: \$2,108 (annual upgrade of current prosecutor to management level)
\$5,000 (office renovations and space acquisition)

3. Hire an additional Legal Unit administrative assistant.

Rationale: The increase in Legal Unit staff will require additional administrative support. Our current seven member legal staff has a single clerk for support.

Cost: \$27,000

4. Provide trial advocacy training for prosecuting counsel.

Rationale: Division prosecuting counsel are increasingly battling teams of highly paid private counsel. This type of ongoing training is necessary to compete with this high level of competence.

Cost: \$10,500 (3 counsels @ \$3,500 each)

5. Establish a budget for the use of expert witnesses and technical consultants.

Rationale: A key element in preparing cases, especially health care cases, is expert testimony and technical consultants. We face an additional problem in that our Dental Board members often perform clinical exams on complainants as part of our investigation. As mentioned earlier, the courts are increasingly taking a dim view of this mixing of adjudicatory and prosecutory functions.

Cost: \$17,000 (\$5,000 expert witness plus \$12,000 technical consultants)

6. Hire three additional commercial and two additional health care investigators.

Rationale: We currently have several hundred investigations which are two or more years old. We also have many complex engineering and insurance fraud cases which require a greater breadth of skill than we currently have available. Further, an analysis of the number of investigative and inspectional hours of work per year per board indicates that we need five additional investigatorinspectors to avoid further backlogs. For example, last year our investigative staff was able to perform only 10,007 inspections (including pharmacies, dental and podiatry offices and funeral homes), down from 15,196 in FY88.

Cost: \$165,000 (5 @ \$33,000)

7. Increase investigator supervision by hiring two additional supervisors.

Rationale: A supervisor/staff reporting relationship of 1:6 will improve the quality of investigations and case management. We currently have a ratio of 1:9. If we hired five additional investigators that ratio would increase to 1:11. We can also provide better investigator cross-training and continuity to the boards by grouping and supervising investigators into teams based on the substantive matter of the boards they serve.

Cost: \$76,242 (2 @ \$38,121)

8. Hire Investigative Unit telephone receptionist.

Rationale: The Investigative Unit handles approximately 58,000 telephone inquiries per year. Callers frequently report an inability to get through to the investigator they want and investigators on the road have a limited ability to retrieve their messages. Further, currently investigators spend a portion of their time ineffectively by answering each others' phones, thereby reducing overall investigator productivity.

Cost: \$22,000

9. Reallocate Investigative Unit personnel currently working beyond their job classification.

Rationale: Avoid time-consuming and costly union grievances.

Cost: \$ 2,023 (reallocate chief Investigator from M4 to M5)
\$ 5,817 (reallocate Field Investigator I's to II's)
\$16,044 (reallocate Field Investigator II's to III's)
\$ 1,319 (reallocate Administrative Assistant II to M3)

10. Provide ongoing investigator training.

Rationale: Due to the increasing complexity of professional and occupational practice standards, investigators need to continually upgrade their knowledge and skills. We also need to provide high quality professional training to new investigators to develop their case planning and management skills.

Cost: \$15,000

C. Board Administration

Total Request: \$206,000

1. Hire four additional full-time Executive Directors: Mental Health Professions; Commercial Professions; Design/Sanitary Professions; Health Care Professions.

Rationale: Boards of registration need full-time professional management to ensure the effective enforcement of board statutes and regulations and monitoring of board disciplinary actions. Currently, 26 boards share five managers who also serve as clerical staff to one or more boards. As a result, complaint case tracking and management and disciplinary monitoring is poor or non-existent.

Cost: \$160,000 (4 @ \$40,000)

2. Hire 2 additional clerks, boards of registration.

Rationale: (a) Would provide expert assistance to boards with temporary need due to staff illness, medical leave, vacation or special project; (b) would provide additional clerk to Dentistry Board to assist with processing an increasing number of consumer complaints against dentists.

Cost: \$46,000 (2 @ \$23,000)

D. General Administration

Total Request: \$778,200

1. Produce and mail annual board newsletters to licensees.

Rationale: Inform licensees of regulatory updates and board disciplinary actions.

Cost: \$200,000 annually (400,000 pieces @ \$.50/piece; does not include Nursing Board which has its own newsletter budget)

2. Hire an Accounting Clerk II.

Rationale: We are in the process of consolidating 32 board manual-entry cash books into a single computerized general ledger. This consolidation will enable us to deposit over \$1 million in annual over-the-counter revenues on a daily, instead of a weekly, basis. The Customer Service Bureau will need this person due to the workload caused by the consolidation.

Cost: \$27,000

3. Hire two full-time contract Natural programmers.

Rationale: OMIS programming resources allocated to the agency have been greatly curtailed. We currently have over 40 licensing database programming requests pending or on hold at OMIS due to programmer cutbacks. These requests include programming changes made necessary by state mandates, as in the case of the Child Support Enforcement Act, as well as programming requests for investigation management reports on consumer complaint data for the 32 boards.

Cost: \$96,000 (2 @ \$48,000)

4. Hire two Systems Analysts I.

Rationale: Most state agencies, including those within the Secretariat, average 1 MIS staff per 15 or 20 employees. The Division of Registration ratio is 1:50. Clearly, as the agency updates its technological capabilities during FY95, we will need additional MIS support staff in FY96. Duties would include maintaining computer equipment, developing programs in ACCESS, training Division employees and defining system specification for the Natural programmers.

Cost: \$78,000 (1 @ \$40,000; 1 @ \$38,000)

5. Expand Division space by 4,050 square feet to accommodate 25 additional staff and an additional hearings room.

Rationale: Division is currently more dense than the state recommended 150 square feet per employee; provide office space for new employees.

Cost: \$260,000 one-time expansion cost for moving, construction and modular furniture.

6. Equipment for new employees.

Cost: \$80,000 (one-time cost for 25 PCs and telephones for new employees)

7. Employee Training and Board Regulatory Travel.

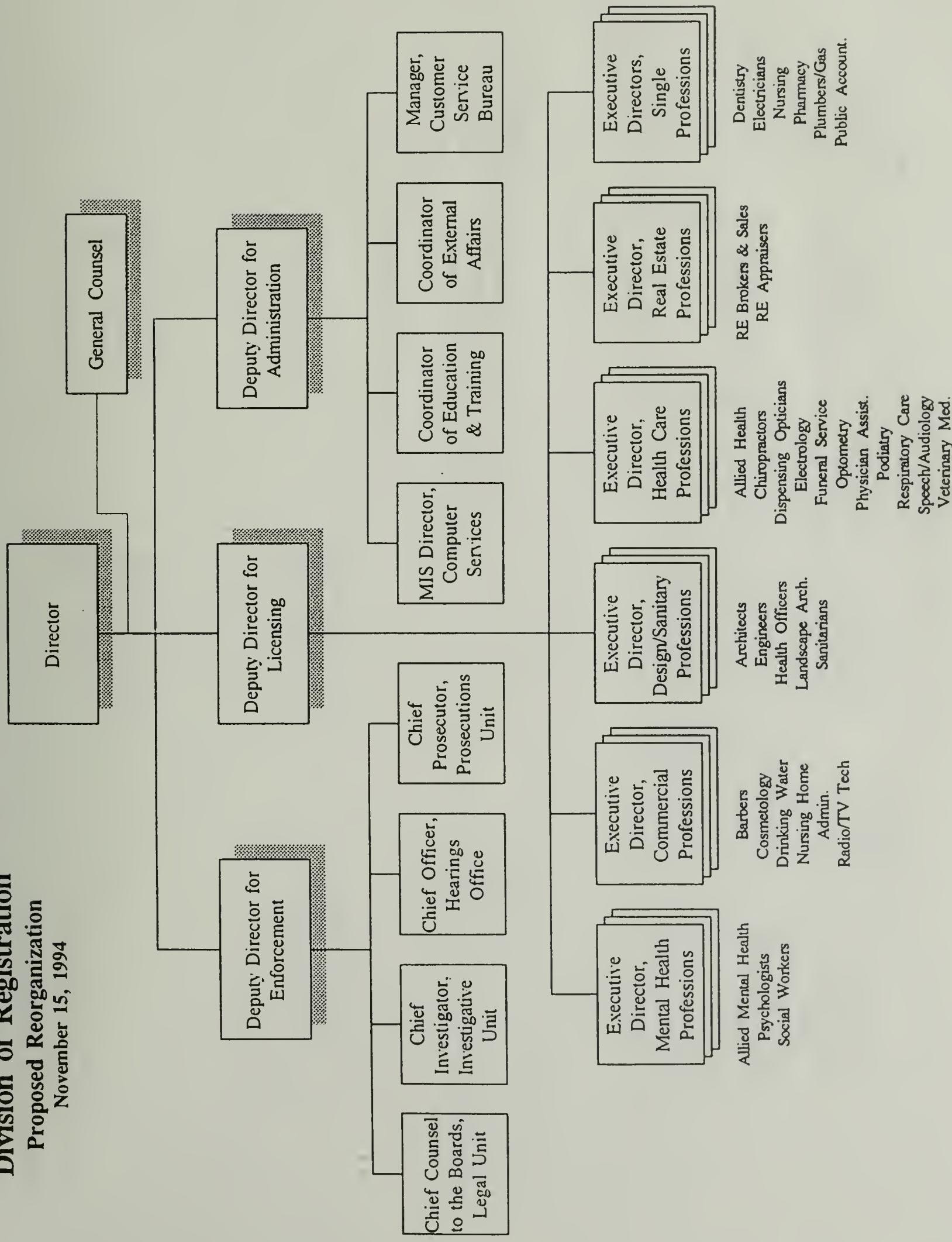
Rationale: Employees need to continually improve technical and management skills. Boards need to send one member each year to annual national board regulatory conference dealing with issues of national disciplinary data bases, state licensure reciprocity, etc.

Cost: \$27,200

Division of Registration	FY96 Expansion Request Summary		Nov. 14, 1994
Expenditure Category	Amount Requested	General Purpose	
A. Director's Office	\$ 173,000	Strengthen Division administration along functional lines	
B. Enforcement	\$ 495,053	Reduce average complaint resolution from 2 years to 6 months	
C. Board Administration	\$ 206,000	Improve complaint tracking and disciplinary monitoring	
D. General Administration	\$ 778,200	Communicate regulatory changes to licensees; improve technology use	
FY96 Total Expansion	\$ 1,652,253		

Division of Registration

Proposed Reorganization
November 15, 1994



Division of Registration Current Organizational Chart

